

9 FAM PART IV APPENDIX E, 400 GUIDELINES FOR CORRESPONDENCE ON VISA AND IMMIGRATION MATTERS

*(TL:VISA-708; 2-23-2005)
(Office of Origin:CA/VO/L/R)*

9 FAM 401 NECESSITY OF SIMPLE, Nontechnical Language

(TL:VISA-708; 2-23-2005)

Drafting personnel should compose letters in as simple and non-technical language as possible without sacrificing accuracy in dealing with technical matters and complicated problems. They should avoid references to specific provisions of law and regulations when writing to persons who are not lawyers or otherwise versed in immigration matters, except when it is necessary to identify the section of law under which a visa has been refused. (In any such case, all citations to law or regulations must be checked for accuracy.)

9 FAM 402 AVOIDING REFERENCES TO DEPARTMENT MATERIALS

(TL:VISA-708; 2-23-2005)

In correspondence with the public, drafters should not refer to 9 FAM (Volume 9 - Visas of the Foreign Affairs Manual), circular instructions, or other informational sources which the general public cannot conveniently obtain.

9 FAM 403 PRIVATE BILL AND HUMANITARIAN PAROLE CONSIDERATIONS

(TL:VISA-708; 2-23-2005)

Consular officers should not take the initiative in suggesting the enactment of a private bill or a request for humanitarian parole to overcome a ground of ineligibility or numerical limitations.

9 FAM 404 USING TERM “NECESSARY ADMINISTRATIVE PROCESSING”

(TL:VISA-708; 2-23-2005)

The phrase “necessary administrative processing” should be used to refer to clearance procedures or the submission of a case to the Department. Posts should not inform interested persons, including attorneys, that a case has been referred to the Department for a name-check or an advisory opinion, especially with respect to cases in which the referral has been made in advance of an anticipated visa application. Drafters should also avoid reference to other clearance procedures or processes whenever possible, making exceptions to this rule only when justified by circumstances such as the pressure of widespread local public interest or important local inquiries.

9 FAM 405 USING TERM “ACTIVE OPPONENT” IN LIEU OF “DEFECTOR” FOR CASES FALLING UNDER THE PROVISIONS OF INA 212(A)(3)(D)(III)

(TL:VISA-708; 2-23-2005)

Drafting officers should use the term “active opponent” in lieu of the term “defector” in referring to cases under the provisions of INA 212(a)(3)(D)(iii). Although the phrase “defector status” has long been used for convenience in referring to INA 212(a)(3)(D)(III), the term is subject to misunderstanding by the public.

9 FAM 406 AVOIDING SPECULATIVE CONCLUSIONS

(TL:VISA-708; 2-23-2005)

When explaining consular findings, especially findings of ineligibility, consular officers should stick to the known facts and what those facts demonstrate or fail to demonstrate. If necessary, it can be pointed out that those facts raise certain questions or issues. Consular officers shall not, however, under any circumstances, offer speculative conclusions about what the facts suggest.

9 FAM 407 ASSESSING THE FACTS AS THEY RELATE TO THE APPLICATION

(TL:VISA-708; 2-23-2005)

Consular officers should remember that each visa application must be considered individually and assessed in light of the specific facts relating to that particular application. The Department cautions posts against explaining a determination of visa ineligibility on the basis of how the facts would relate to cases of that type processed by the post in general.